

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

CIVIL ACTION NO. 1:04-CV-10797-GAO

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)  
MARK ULIANO, )  
Plaintiff )  
 )  
vs. )  
 )  
MARIE H. BISSELL and )  
KENNETH J. TILDEN, )  
Defendants )  
 )

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**JOINT STATEMENT OF THE PARTIES AND  
PROPOSED SCHEDULING AND DISCOVERY PLAN**

Pursuant to Federal Rule of Civil Procedure 26(f) and this Court's Notice of Scheduling Conference, the parties, through counsel, have conducted a conference for the purposes set forth in the Court's Notice. Participating in the conference were Stephen J. Delamere of Bierhans, Delamere & Cohen, LLC on behalf of the Plaintiff and James Crowley, Esq., Fuller, Rosenberg, Palmer & Beliveau, LLP, on behalf of the Defendant, Marie H. Bissell, and James Sullivan, Esq., on behalf of Kenneth J. Tilden.

**I. AGREED SCHEDULING AND DISCOVERY PLAN**

The parties have agreed to conform with the obligation to limit discovery set forth in Rule 26(b), and to that end agree

to take part in informal discovery including compliance with the automatic disclosure rules set out in Rule 26(a). The parties further agree that the case should not be a complex fact case and that discovery can be conducted and completed in two phases. As required by the Court's Notice, phase one will be directed at developing information needed for a realistic assessment of the case through the use of informal discovery, written interrogatories and requests for the production of documents, and depositions, and phase two shall be directed at information needed to prepare for trial.

A. THE PARTIES PROPOSED PHASE I DISCOVERY PLAN

1. Addition of Parties and Amendment of Pleadings:

All additional parties and amendments of the pleadings shall occur by January 31, 2005.

2. Discovery: All discovery pertaining to Phase I including Interrogatories and Requests to Produce pursuant to Rules 33 and 34 to be served on opposing parties and depositions of all fact witnesses including the Plaintiff and the Defendant shall be completed by March 31, 2005.

3. The parties agree to abide by the presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A) and twenty-five (25)

interrogatories per party as set forth in Rule 33(a).

4. The parties anticipate that the Defendants will need to conduct physical or mental examinations of the Plaintiff. The parties agree that any physical and mental examinations of the Plaintiff will be conducted by May 31, 2005.

B. THE PARTIES PROPOSED PHASE II DISCOVERY PLAN

1. Expert Witnesses: The parties anticipate both sides will be calling expert witnesses at trial. In the event that expert witnesses will be called, the parties shall disclose their experts, along with a written report prepared and signed by the witness pursuant to Rule 26(a) (2) by July 31, 2005.
2. The parties further agree that all expert depositions will be completed by September 15, 2005.

3. Dispositive Motions: All dispositive motions shall be filed by October 15, 2005.

4. The parties expect that the case should reasonably be expected to be ready for trial as soon as all dispositive motions are decided by the Court.

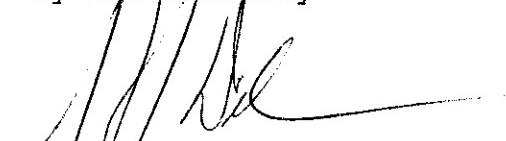
5. The anticipated length of trial is one week.

II. CERTIFICATIONS PURSUANT TO LR 16.1 (D) (3)

The parties LR 16.1 (D) (3) certifications will be filed under separate cover.

Respectfully submitted,

The Plaintiff,  
By his attorney



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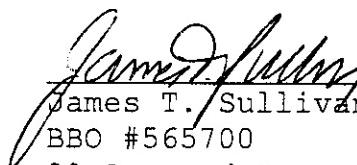
Defendant  
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By her attorneys

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